

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SWALLEY IRRIGATION DISTRICT,

Civ. No. 04-1721-AA

Plaintiff,

OPINION AND ORDER

v.

GARY CLEMENT ALVIS, et al.,

Defendants.

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AIKEN, Judge:

Upon review of plaintiff's Response to Court Order Dated March 23, 2007, I grant plaintiff's motion to add defendants Central Oregon Irrigation District, Deschutes County, Carolyn Rogers, Richard Umbarger, Rick Crillone, Jamie Priore-Stangel, Jamie Stangel, Boyd Acres Partners, LLC, Charles and Teresa Hutchings, Galen and Meghan Blyth, and Laurie Lee and Robert Dickey.

Central Oregon District, Deschutes County, Carolyn Rogers and

Richard Umbarger have stipulated to service and to the existence of plaintiff's easement under the Act of March 3, 1891. The remaining new defendants have been served with the Second Amended Complaint, but they were not named parties at that time. Therefore, plaintiff is ordered to serve these defendants with the Second Amended Complaint. Plaintiff has served all other named parties.

In the Opinion and Order of May 23, 2007, I noted that plaintiff had failed to provide adequate evidence to establish the scope of plaintiff's irrigation right of way on certain Section Sixteen properties. Plaintiff provided additional information regarding most of these identified properties; however, plaintiff did not provide plat maps or other identifying information regarding property owned by Joan and Oscar Bratton, Calvin Gabert, Martha Ann Roe, Ronald W. and Donna B. Scott, Ron Varcoe, and Guy Vernon. While I am able to discern that these properties are within Section Sixteen, the deeds and other documents submitted for these properties do not describe the scope of the easement held by plaintiff. Given that the irrigation easements vary within Section Sixteen, I cannot determine the plaintiff's easement with respect to these properties absent further information.

#### CONCLUSION

Accordingly, plaintiff is ordered to provide plat maps or other documents identifying the scope of plaintiff's easement with respect to property owned by Joan and Oscar Bratton, Calvin Gabert,

Martha Ann Roe, Ronald W. and Donna B. Scott, Ron Varcoe, and Guy Vernon.

Further, plaintiff is ordered to serve defendants Rick Crillone, Jamie Priore-Stangel, Jamie Stangel, Boyd Acres Partners, LLC, Charles and Teresa Hutchings, Galen and Meghan Blyth, and Laurie Lee and Robert Dickey with the Second Amended Complaint. Upon the expiration of twenty days after service, plaintiff may seek an entry of default and final judgment.

It is not the court's desire to extend this case any longer than necessary. However, the court is obligated to ensure that procedural and substantive requirements are met before final judgment issues.

IT IS SO ORDERED.

Dated this 1 day of August, 2007.

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/s/ Ann Aiken  
Ann Aiken  
United States District Judge